

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

No. CR-23-227-R

ERICK GACHUHI WANJIKU,

Defendant.

ORDER

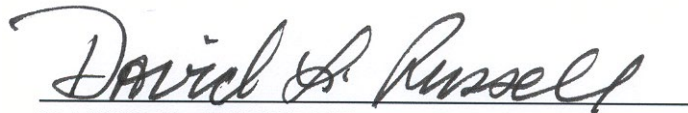
Before the Court is Defendant Erick Gachuhi Wanjiku's Motion to Compel [Doc. No. 178], and Motion for Document #49 [Doc. No. 179]. In his Motion to Compel, Defendant asks the Court to order his prior counsel to provide him with his case file from the instant action so that he can file a habeas corpus petition pursuant to 28 U.S.C. § 2255. In his Motion for Document #49, Defendant asks the Court to order the Clerk's Office to allow him to retrieve a copy of the Jury Notes [Doc. No. 49] from his trial. The Court lacks jurisdiction to rule on his requests.

“Federal courts are courts of limited jurisdiction, possessing only that power authorized by Constitution and statute.” *United States v. Moreno*, No. 21-6096, 2022 WL 782660, at *1 (10th Cir. Mar. 15, 2022) (quoting *Gunn v. Minton*, 568 U.S. 251, 256 (2013)). “As the movant, Defendant bears the burden of establishing jurisdiction.” *Id.* (citing *United States v. Garcia-Herrera*, 894 F.3d 1219, 1220-21 (10th Cir. 2018)).

Here, Defendant makes no attempt to establish this Court’s jurisdiction to hear either of his Motions. Like the defendants in *Garcia-Herrera* and *Moreno*, Defendant seeks

“documents through a motion to compel in a since-closed criminal case.” *Moreno*, 2022 WL 782660, at *1 (noting the similar circumstances present in *Garcia-Herrera*). But “[a] motion to compel production is not a motion independently sufficient to reopen a district court’s criminal jurisdiction.” *Id.* (citing *Garcia-Herrera*, 894 F.3d at 1220). And while Defendant asserts that he intends to use the requested discovery for a § 2255 motion, without the filing of such a motion or a civil suit, this Court lacks jurisdiction to rule on the Motion to Compel. *See id.* The same is true for his Motion for Document #49. *See Garcia-Herrera*, 894 F.3d at 1220. So Defendant’s Motions are DENIED for lack of jurisdiction.

IT IS SO ORDERED this 1st day of August, 2025.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE